

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Cornelius Morant,)	C/A No.: 3:24-cv-1353-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	
)	
Sumter County Police Dept., Chief)	REPORT AND
Anthony Dennis, Sgt. Michael)	RECOMMENDATION
Buchanan; and James Byrd,)	
)	
Defendants.)	
)	

This matter is before the court on a review of the docket. All pretrial proceedings in this case were referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2)(f) (D.S.C.). For the following reasons, the undersigned recommends the district judge dismiss the case without prejudice based on Plaintiff's failure to follow the court's prior order directing him to keep the court advised as to any change of address.

Plaintiff filed a complaint on March 21, 2024, in which he represented he was a pretrial detainee incarcerated at Sumter-Lee Regional Detention Center. [ECF No. 1]. On April 23, 2024, the undersigned issued a proper form order directing Plaintiff to provide documents required for service of process. [ECF No. 7]. The order included the following notice:

You are ordered to always keep the Clerk of Court advised in writing (United States District Court, 901 Richland Street, Columbia, South Carolina 29201) if your address changes for any

reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this order, you fail to meet a deadline set by this court, your case may be dismissed for violating this order. Therefore, if you have a change of address before this case is ended, you must comply with this order by immediately advising the Clerk of Court in writing of such change of address and providing the court with the docket number of all pending cases you have filed with this court. Your failure to do so will not be excused by this court.

Id. at 3.

Plaintiff subsequently filed the documents required to bring the case into proper form. [ECF No. 10]. The undersigned issued an order authorizing service of process, and the Clerk of Court issued a summons on May 20, 2024. [ECF Nos. 13, 15]. Defendants filed an answer to the complaint on July 10, 2024. [ECF No. 18]. The following day, the undersigned issued a scheduling order that was mailed to Plaintiff at Sumter-Lee Regional Detention Center, 1250 Winkles Road, Sumter, SC 29153—the address on record with the court. [ECF Nos. 19, 20]. The scheduling order was returned to the court on August 14, 2024, with the following notations “RETURN TO SENDER,” “NOT AT THIS ADDRESS” AND “RETURN TO SENDER,” “NOT DELIVERABLE AS ADDRESSED,” AND “UNABLE TO FORWARD.” [ECF No. 22-1 at 1]. A search of inmates incarcerated at Sumter-Lee Regional Detention Center suggests Plaintiff is no longer incarcerated at the facility. *See* Sumter-Lee Regional Detention Center Inmate Search> Inmates>Name (search “Morant”), available

at <https://sumter-pd-sc.zuercherportal.com/#/inmates> (last accessed Aug. 21, 2024).¹

A review of the docket reveals Plaintiff has not contacted the Clerk of Court in writing to advise of a change of address. Plaintiff's last contact with the court was his filing of the proposed summons and forms USM-285 that he mailed from the Sumter-Lee Regional Detention Center with a postmark of April 30, 2024. [ECF NO. 10-2 at 1]. However, it appears Plaintiff continued to receive mail at the same address through at least May 20, 2024, as the order authorizing service of process was mailed to his address of record and was not returned to the court. *See* ECF No. 16.

In light of the court's receipt of returned mail, the undersigned finds Plaintiff has failed to comply with the proper form order directing him to "always keep the Clerk of Court advised in writing" of his address change. Defendants and the court are unable to contact Plaintiff regarding deadlines and other actions in the case. Therefore, the undersigned recommends the case be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) based on Plaintiff's failure to comply with a court order.

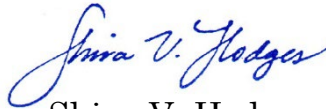
The Clerk is directed to send this Report and Recommendation to Plaintiff at his address of record. If Plaintiff notifies the court of his current

¹ A court may take judicial notice of factual information located in postings on government websites. *See Philips v. Pitt Cnty. Mem'l Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009).

address within the time set for filing objections to this Report and Recommendation, the Clerk is directed to vacate this Report and Recommendation and return the file to the undersigned for further action. If, however, Plaintiff fails to notify the court of his current address, the Clerk shall forward this Report and Recommendation to the district judge for disposition.

IT IS SO RECOMMENDED.

August 22, 2024
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).